

## § 319.76-7

means as a manifest, customs entry document, commercial invoice, waybill, a broker's document, or a notice form provided for that purpose.

(Approved by the Office of Management and Budget under control number 0579-0049)

### § 319.76-7 Costs and charges.

The services of the inspector during regularly assigned hours of duty and at the usual places of duty shall be furnished without cost to the importer.<sup>3</sup> The importer shall be responsible for arrangements for treatments required under § 319.76-4. Any treatment required under § 319.76-4 for a restricted article, other than for treatments of live bees in any life stage or for holding dead bees in dry, sealed containers, shall be performed at the port of entry by a nonfederal establishment at the importer's expense, and shall be performed under the direction of an inspector. Plant Protection and Quarantine will not be responsible for any costs or charges, other than those indicated in this section.

### § 319.76-8 Ports of entry.

(a) Any restricted article, other than bees in any life stage, imported by means other than mail may be imported only at a port of entry listed in § 319.37-14(b) of this part.

(b) Any restricted article, other than bees in any life stage, imported by mail may be imported only at a port of entry designated by an asterisk in § 319.37-14(b) of this part.

(c) Live bees in any life stage, other than honeybees of the genus *Apis*, may be imported at the Bee Biology and Systematics Laboratory, USDA, ARS, 261 NRB-UMC 53, Utah State University, Logan, Utah 84322; or at the Plant Germplasm Quarantine Center, Building 320, Beltsville Agricultural Research Center East, Beltsville, MD 20705.

<sup>3</sup>Provisions relating to costs for other services of an inspector are contained in 7 CFR part 354.

## 7 CFR Ch. III (1-1-04 Edition)

### Subpart—Gypsy Moth Host Material from Canada

SOURCE: 64 FR 45866, Aug. 23, 1999, unless otherwise noted.

#### § 319.77-1 Definitions.

*Animal and Plant Health Inspection Service (APHIS).* The Animal and Plant Health Inspection Service of the U.S. Department of Agriculture.

*Canadian infested area.* Any area of Canada listed as a gypsy moth infested area in § 319.77-3 of this subpart.

*Canadian noninfested area.* Any area of Canada that is not listed as a gypsy moth infested area in § 319.77-3 of this subpart.

*Certification of origin.* A signed, accurate statement certifying the area in which a regulated article was produced or grown. The statement may be provided directly on the shipping documents accompanying shipments of commercial wood products from Canada, or may be provided on a separate certificate.

*Gypsy moth.* The insect known as the gypsy moth, *Lymantria dispar* (Linnaeus), in any stage of development.

*Import (imported, importation).* To bring or move into the territorial limits of the United States.

*Mobile home.* Any vehicle, other than a recreational vehicle, designed to serve, when parked, as a dwelling or place of business.

*Outdoor household articles.* Articles associated with a household that are generally kept or used outside the home. Examples of outdoor household articles are awnings, barbeque grills, bicycles, boats, dog houses, firewood, garden tools, hauling trailers, outdoor furniture and toys, recreational vehicles and their associated equipment, and tents.

*Phytosanitary certificate.* A document issued by an official authorized by the national government of Canada that contains a description of the regulated article intended for importation into the United States and that certifies that the article has been thoroughly inspected or treated, is believed to be free from plant pests, and is otherwise

believed to be eligible for importation pursuant to the current phytosanitary laws and regulations of the United States. A phytosanitary certificate must be addressed to the Animal and Plant Health Inspection Service and may be issued no more than 14 days prior to the shipment of the regulated article.

**Recreational vehicles.** Vehicles, including pickup truck campers, one-piece motor homes, and travel trailers, designed to serve as temporary places of dwelling.

**United States.** All of the States of the United States, the District of Columbia, Guam, the Northern Mariana Islands, Puerto Rico, the Virgin Islands of the United States, and all other territories and possessions of the United States.

**U.S. infested area.** Any area of the United States listed as a gypsy moth generally infested area in § 301.45-3 of this chapter.

**U.S. noninfested area.** Any area of the United States that is not listed as a gypsy moth generally infested area in § 301.45-3 of this chapter.

[64 FR 45866, Aug. 23, 1999, as amended at 65 FR 38175, June 20, 2000]

#### § 319.77-2 Regulated articles.

In order to prevent the spread of gypsy moth from Canada into non-infested areas of the United States, the gypsy moth host materials listed in paragraphs (a) through (g) of this section are designated as regulated articles. Regulated articles may be imported into the United States from Canada only under the conditions described in § 319.77-4 of this subpart.

(a) Trees without roots (e.g., Christmas trees), unless they were greenhouse-grown throughout the year;

(b) Trees with roots, unless they were greenhouse-grown throughout the year;

(c) Shrubs with roots and persistent woody stems, unless they were greenhouse-grown throughout the year;

(d) Logs with bark attached;

(e) Pulpwood with bark attached;

(f) Outdoor household articles; and

(g) Mobile homes and their associated equipment.

#### § 319.77-3 Gypsy moth infested areas in Canada.

The following areas in Canada are known to be infested with gypsy moth:

(a) *Province of New Brunswick.* (1) *Charlotte County.* That portion of Charlotte County that includes the following parishes: Campobello Island, Dumbarton, Dufferin, Grand Manan Island, St. Andrews, St. Croix, St. David, St. George, St. James, St. Patrick, and St. Stephen.

(2) *Kings County.* That portion of Kings County that includes the following parishes: Greenwich, Kars, and Springfield.

(3) *Queens County.* (i) That portion of Queens County that includes the following parishes: Canning, Cambridge, Gagetown, Johnston, and Wickham; and

(ii) That portion of Chipman Parish south or west of highway 10; and

(iii) That portion of Waterborough Parish west of highway 10 and south of highway 2.

(4) *Sunbury County.* That portion of Sunbury County that includes the following parishes: Blissville, Burton, Gladstone, Lincoln, and Sheffield.

(5) *York County.* (i) That portion of York County that includes the City of Fredericton and the following parishes: North Lake and McAdam; and

(ii) That portion of Queensbury parish south and east of the Scotch Lake Road beginning in the west at Bear Island on the St. John River and ending at the Parish border on the east.

(b) *Province of Nova Scotia.* (1) *Annapolis County.* The entire county.

(2) *Digby County.* The entire county.

(3) *Halifax County.* The area of the county bounded by a line beginning at the intersection of the Halifax/Lunenburg County border and the Atlantic Ocean; then north along the Halifax/Lunenburg County border to the Halifax/Hants County border; then east along the Halifax/Hants County border to route 354; then south along route 354 to route 568 (Beaverbank-Windsor Junction Road); then east along route 568 (Beaverbank-Windsor Junction Road) to route 416 (Fall River Road); then east and north along route 416 (Fall River Road) to route 2; then south along route 2 to route 102/118; then south along route 118 to route 107;